

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

JON HANSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

BERTHEL FISHER & CO.
FINANCIAL SERVICES, INC. and
THOMAS JOSEPH BERTHEL,

Defendants.

No. 13-CV-67-LRR

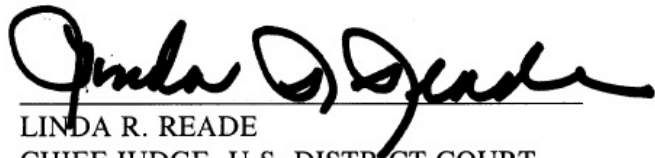
ORDER

The matter before the court is Defendants Berthel Fisher & Co. Financial Services, Inc. and Thomas Joseph Berthel's ("Defendants") "Motion to Dismiss" (docket no. 7). On September 23, 2013, Defendants filed the Motion to Dismiss. On November 1, 2013, Plaintiff Jon Hanson filed an "Unresisted Motion for Leave to File a First Amended Complaint" ("Motion to Amend") (docket no. 14). On November 4, 2013, United States Magistrate Judge Jon S. Scoles granted the Motion to Amend and directed the Clerk of Court to file the First Amended Complaint (docket no. 16). November 4, 2013 Order (docket no. 15).

"It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect." *In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (citing *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir. 2000)). The Motion to Dismiss seeks to dismiss portions of the original Complaint—not the Amended Complaint. Because the Amended Complaint supercedes the original Complaint and renders it legally ineffective, the Motion to Dismiss (docket no. 7) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 5th day of November, 2013.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA